

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW H. MILLER,

Defendant.

Case No. 2:10-cv-01004-GMN-PAL

ORDER

(Application Extend Discovery - Dkt. #6)

Before the court is Defendant's Ex Parte Application [Request] for an Order Extending Time to Submit Discovery Plan and Scheduling Order (Dkt. #6). The Defendant requests an extension until February 5, 2011 to file a proposed Discovery Plan and Scheduling Order. He asserts the additional time is needed because the facts at issue in this case date back a quarter of a century, almost all of the individuals are deceased, and the companies involved are defunct and out of business.

The Complaint (Dkt. #1) in this case was filed June 24, 2010. It involves an action by the United States to recover defaulted student loans. The Complaint alleges that in 1984 and 1985, the Defendant executed promissory notes to secure student loans. The loans were guaranteed and reinsured by the Department of Education under loan guarantee programs. The Defendant defaulted on the loans, the Department of Education paid claims to the holder of the notes, and received assignments of right and title. The United States seeks to recover the principal sum of the student loans with interest in accordance with the loan terms. The Defendant was served and filed an Answer (Dkt. #4) August 24, 2010.


Fed.R.Civ.P. 26 requires the parties to meet and confer and make initial disclosures in most civil cases. However, an action by the United States to collect on a student loan guaranteed by the United States is exempt from the requirements to conduct a Rule 26(f) conference and make the initial

disclosures required by Rule 26(a)(1)(B). Accordingly, the court will deny Defendant's application for an extension of time to submit a discovery plan and scheduling order, but set this matter for a scheduling conference.

IT IS ORDERED that:

1. Defendant's Ex Parte Application (Dkt. #6) is **DENIED**.
2. A Rule 16 scheduling conference is set for **November 9, 2010 at 9:15 a.m.** in Courtroom 3B.

Dated this 26th day of October, 2010.



Peggy A. Deen
United States Magistrate Judge